



## International Covenant on Civil and Political Rights

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### Human Rights Committee

102nd session

#### Summary record of the 2812th meeting

Held at the Palais Wilson, Geneva, on Friday, 15 July 2011, at 3 p.m.

*Chairperson:* Ms. Majodina

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Initial report of Kazakhstan (continued) (CCPR/C/KAZ/1; CCPR/C/KAZ/Q/1; CCPR/C/KAZ/Q/1/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Kazakhstan took places at the Committee table.*
2. **The Chairperson** invited the delegation of Kazakhstan to resume its replies to the questions raised by the Committee members at the previous meeting.
3. **Mr. Sarsembayev** (Kazakhstan), in reply to a question about the role of the President of the Republic in the appointment of judges and the separation of the powers of the State, said that according to article 14 of the Constitution, the President was not the head of the executive but the head of State, and the guarantor of citizens' rights. The office of President of the Republic and the Government were covered by separate organization acts. Contrary to what Committee members might fear, the appointment of judges by the President therefore guaranteed the independence of the judiciary vis-à-vis both the executive and the legislative.
4. **Mr. Sadybekov** (Kazakhstan) said that, at the previous meeting, he had provided written information about detention conditions in prisons. With regard to the prevention of torture, Kazakhstan had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in October 2008, undertaking to establish an independent national preventive mechanism. A legal basis already existed, in the form of the 15 regional public monitoring commissions, which were responsible for monitoring conditions of detention. The regional commissions had 103 members, all from human rights NGOs. They had carried out more than 400 inspections in places of detention, and hundreds of other consultation and information activities since the start of 2011. Their status was governed by article 19, paragraph 1, of the Penal Enforcement Code, under which they could freely visit prisons and provisional detention centres, interview detainees, note their complaints and formulate observations and recommendations for the prison authorities, which were generally acted upon. At the Zhitykara detention centre, international standards were observed and the competent public monitoring commission was authorized to carry out inspections. Since there had been no official complaints of ill-treatment to date, the allegations of ill-treatment at the detention centre no doubt concerned only a small number of isolated incidents. It should be borne in mind that Mr. Manfred Nowak, then Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, had been authorized to visit places of deprivation of liberty during his mission to Kazakhstan in May 2009, accompanied by the media and other representatives of international organizations. The idea that Kazakh prisons did not undergo independent inspections must therefore be based on a misunderstanding. Generally speaking, the Kazakh Government was seeking to improve detention conditions and to introduce alternatives to prison, in order to reduce prison overcrowding. The number of detainees had dropped from 61,000 to approximately 53,000 in one year, and was expected to continue to fall as a result of the amnesty that was expected to be proclaimed by the President of the Republic on the occasion of the twentieth anniversary of the country's independence, in December 2011. In addition, a new detention centre had opened that spring in Almaty and had already been inspected. No complaint had been lodged on that occasion. A new, modern prison that complied with international standards was also being built in Pavlodar.

5. **Mr. Doskaliev** (Kazakhstan), in reply to a question about stateless persons, said that there were 8,096 stateless persons in Kazakhstan as at 1 July 2011, most of whom were from the Commonwealth of Independent States (CIS). On 1 July 1997, Kazakhstan had stopped issuing former-USSR passports for travel abroad. Former-USSR passports indicating that the passport holder was from a CIS country remained valid until they were replaced by that country. Under the law on citizenship, which had entered into force on 1 March 1992, all those permanently resident in Kazakhstan on that date were Kazakh citizens. Persons who were born in Kazakhstan and did not have another nationality were also Kazakh citizens. Foreigners and stateless persons whose country of origin was a non-CIS country and who were permanently resident in Kazakhstan had been granted a residency permit or a certificate of statelessness. Kazakhs whose Kazakh nationality had been removed by presidential decree, and nationals of a country with which Kazakhstan had no simplified nationality procedure, obtained a certificate of statelessness as part of the procedure of changing nationality. Under article 15 of the Act on Stateless Persons, foreigners and stateless persons could apply for, and be granted, Kazakh nationality, provided that they had been legally resident in Kazakhstan, on a permanent basis, for at least five years, or had been married for at least three years to a Kazakh national. Citizens of former Soviet republics who were permanent residents of Kazakhstan, and who had a close relative who was a Kazakh national, could obtain Kazakh nationality. In addition, children who were born in Kazakhstan to stateless parents permanently resident in Kazakhstan were Kazakh citizens. In practice, most stateless persons did not wish to become Kazakh citizens, since that would result in their losing certain social benefits. Also, stateless parents of children born in Kazakhstan were not keen to obtain Kazakh passports for them since, if the parents travelled abroad and wished to acquire another nationality, their child was at risk of losing his or her Kazakh nationality. In most cases, therefore, the parents applied for a certificate of statelessness. It was to be noted that, under the Constitution, stateless persons had the same rights and obligations as citizens.

6. Legislation on refugee status and the asylum procedure had been adopted in December 2009. Asylum-seekers had to be present in Kazakhstan when they applied for asylum, and had to have their identity confirmed. They were not considered to be illegal migrants, however, and could stay in Kazakhstan while their application was being processed, provided that they registered at the Ministry of Internal Affairs within five working days of receipt of acknowledgement of their asylum application. The adoption of the legislation had not affected the terms of reference or the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), and representatives of that organization sat on the asylum panel. Recently, cooperation with UNHCR had made it possible to settle the issue of extradition requests in respect of Uzbek nationals. A regional conference on refugee protection and international migration had been organized by UNHCR in Almaty in March 2001. The participants had adopted the Almaty Declaration, in which they had undertaken to strengthen cooperation in the field of international migration. The regional representative of UNHCR for Central Asia, Mr. Saber Azam, had declared on that occasion that Kazakhstan fully complied with its international obligations concerning the protection of the rights of refugees and asylum-seekers, thus contributing to ensuring peace and security in the region.

7. The bill on migration had been adopted by Parliament in June 2011 and was awaiting promulgation. The bill defined the procedures to be followed and the powers of the various State bodies in the areas of education, social protection, health, education and security, as well as those of local authorities. In particular, the bill provided for measures to improve the resettlement of returnees of Kazakh origin (*Oralmans*) and to simplify the procedure for granting citizenship to that category of migrants, which was henceforth expected to take three months instead of six. Labour migration was governed by a system of quotas, and foreign seasonal workers were taken in under international agreements,

subject to recruitment permits issued by local authorities. A procedure for the registration of internal migrants was planned, for the purposes of census-taking and the attribution of State investment in areas such as education and telecommunications.

8. **Mr. Seidgapparov** (Kazakhstan) said that the counter-terrorism operations of the Kazakh Government were systematically monitored by the courts. In particular, just because an organization was included in the list of terrorist organizations drawn up by the Shanghai Cooperation Organization, Kazakhstan did not necessarily recognize it as a terrorist organization, since the criteria for classifying an organization as terrorist were laid down in chapter 36 of the Code of Criminal Procedure. Similarly, in line with international standards, no anti-terrorism measures could be taken against a natural person without the approval of the courts.

9. With regard to extradition procedures and the risk of torture faced by persons being extradited, the judicial cooperation that took place between member States of the Shanghai Cooperation Organization and CIS countries was in compliance with international human rights instruments signed by the States in question and with each country's national legislation, in line with article 2, paragraph 3, of the Shanghai Convention on Combating Terrorism, Separatism and Extremism and article 89 of the Minsk Convention. Kazakhstan was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibited the extradition of persons to countries where they would be in danger of being subjected to torture or ill-treatment, and article 532 of the Code of Criminal Procedure provided for the possibility of refusing extradition if that was not allowed under the treaties signed by Kazakhstan or the requesting country. The allegations that the National Security Service used unofficial places of detention, referred to in paragraph 18 of the list of issues, were unfounded: the Government of Kazakhstan considered such practices to be unacceptable and illegal.

10. The role of the prosecutor in the judicial process was defined in article 83 of the Constitution and in specific legislation, both of which guaranteed that the prosecutor did not play a predominant role compared to other judicial institutions or judges. The role had evolved since Soviet times, and the focus was now on the protection of fundamental rights.

11. **Mr. Kustavletov** (Kazakhstan) said, in order to dispel any misunderstanding, that the registration system for residents in Kazakhstan was not the *propiska* system that had been used in the former Soviet Union. Everyone was free to choose their place of residence, which was the place where they had established an administrative relationship with the State. The idea was simply to prevent uncontrolled migration, just as other countries did, and to facilitate the proper management of public services.

12. **Ms. Jarbussynova** (Kazakhstan) said that one of the Committee members had requested the Kazakh Government to draw up a basic document containing information on the organization of the State and the judicial system. Although the information was already contained in the section of the initial report entitled "General Information", the authorities had nevertheless complied with the request. In line with the harmonized guidelines on reporting under the international human rights treaties, the common core document would be submitted to all human rights treaty bodies.

13. **The Chairperson** invited the Committee members to make comments and to put questions on paragraphs 22–30 of the list of issues.

14. **Mr. Thelin** said that the question about whether lawyers could be prevented from defending their clients in cases involving "State secrets" (paragraph 15 of the list of issues) had not been answered. The situation regarding the judiciary appeared to be contradictory in that there were too many judges, yet at the same time their workload was excessive. In addition, the information provided on the independence of the judiciary in Kazakhstan suggested that the President of the Republic stood above the three branches of government,

or embodied them all at once. There was therefore no separation of powers, in the generally accepted sense of the term, but an authoritarian regime. The role of the President in the appointment of judges was therefore still problematic. Furthermore, the strong competition for judges' posts was likely to encourage corruption, not limit it, as had been suggested by the delegation. In any event, while the Committee did not necessarily rely on the information they provided, NGOs on the ground painted a completely different picture.

15. **Mr. Fathalla** said that making an accusation of corruption was considered to be an insult, and constituted a criminal offence. In addition, criminal penalties had been made more severe for accusations against well-known figures, including the Head of State. That was not in line with the recommendations made under the universal periodic review (A/HRC/14/10).

16. According to information received, civil proceedings taken out against opposition parties had resulted in some of them going bankrupt, thus preventing them from exercising their right to freedom of expression and freedom of association. In addition, the largest opposition party, Alga, had still not managed to obtain registration. According to various reports, all Internet resources and websites had to be declared, and the authors and hosts of Internet content could be held criminally liable, which had a considerable impact on freedom of expression. That was directly related, judging from the report and written replies, to the concept of "public interest", which did not appear to be defined anywhere in Kazakh legislation.

17. Legislation governing members of the armed forces did not provide for the possibility of their having their own trade union, which contravened article 22 of the Covenant, since they were unable to defend their interests. It would also seem that only Kazakh citizens were able to exercise the right to freedom of association.

18. Legislation governing peaceful assembly did not provide a definition of the main terms used — "rallies", "meetings", "processions", "demonstrations" and "protests" — which meant that they could be interpreted very broadly by the authorities concerned; for example, exhibitions or artistic events in public places could be classified as "public meetings". Clarification of that issue would be useful. According to information at his disposal, the authorities were not obliged to justify their decisions or explain how assemblies could pose a threat to public order and public security, nor was there any definition of the concepts of "public order" or "public security". Local authorities were authorized to designate areas for assembly, and generally chose locations that were far from town centres and difficult to access, which impaired the exercise of the right to freedom of assembly as set forth in the Covenant. According to statistics for the period from January to November 2010, some 172 applications for assemblies had been submitted in different cities, 94 per cent of which had been rejected. He would appreciate clarification of that matter. The National Plan of Action on Human Rights for 2009–2012 provided for the drafting of new legislation on freedom of assembly. However, the drafting of the legislation had apparently been suspended; he wished to hear why from the delegation.

19. In its reply to the Committee's question on the steps taken to disseminate information on the Covenant and the Optional Protocols, and on the initial report of Kazakhstan and its consideration by the Committee, the State party had referred only to the efforts of NGOs and civil society organizations, and had said nothing about what the Government was doing in that regard. However, the obligations that arose under the Covenant were incumbent upon the Government, not upon other organizations, much as their efforts were to be welcomed. The State party had said that civil society organizations, NGOs and national human rights institutions had participated in the preparation of the report, but had not mentioned whether any representatives of ethnic and minority groups had also been involved.

20. **Sir Nigel Rodley** said that the principle of registration of religious organizations should not, in itself, pose a problem with regard to the Covenant, provided that registration was a right and not an obligation. However, registration appeared to be an obligation in the State party, since registration could be refused and sanctions applied to those taking part in religious practice without registration. Reports by NGOs described delays, on different pretexts, in the registration of religious groups such as the Baptist community or the International Society for Krishna Consciousness. The Human Rights Watch report, for example, had said that the registration request by Jehovah's Witnesses had been refused for the fifth time, on the ground that members' office telephone numbers had not been provided, although most of the members were retired. On the sixth attempt, in January 2008, the authorities had replied that proper consideration could not be given to the request because of the lack of specialists available. The year before, however, there had been sufficient law enforcement officers to raid a house in which Jehovah's Witnesses were conducting prayer meetings. All those elements gave the Committee cause for concern, compounded by reports that at the end of May 2011 the new director of the ministerial-level Agency for Religious Affairs had declared that the Agency's main objective was to develop the State concept of moderate Islam based on the ideology of "one nation, one religion", which had been the object of polemical debate in Parliament. That suggested a less than open approach to matters of conscience; the State party should therefore consider ways of making the principle of registration a right and not an obligation.

21. No conscientious objectors were currently being held or prosecuted in the State party. That could perhaps be explained by the fact that most conscientious objectors were Jehovah's Witnesses, and that the State party had decided that Jehovah's Witnesses were all ministers of religion, a category of persons that could be exempted from military service. The State party's intention to introduce a system of alternative service was very encouraging. Noting that the Government was studying practice in other countries, including the Russian Federation, he drew attention to the fact that, in the concluding observations drawn up following consideration of the sixth periodic report of the Russian Federation in October 2009, the Committee had stated that the decisions taken by the Russian Federation in the area of conscientious objection were not wholly compatible with the Covenant (CCPR/C/RUS/CO/6, para. 23). It would be unfortunate if the State party were to adopt a system that was not consistent with the Covenant; the Kazakh authorities could usefully consult Commission on Human Rights resolution 1998/77 on conscientious objection to military service.

22. He thanked the State party for the information provided in the written replies on cases of violence against children, particularly sexual violence, and on the various kinds of prosecutions brought, which showed how seriously the authorities were addressing that issue. There was no information, however, on trafficking in persons, and additional information would therefore be welcome. Little information had been provided on the issue of domestic violence against children. According to NGO reports, nearly 600 women and girls died every year as a result of domestic violence. That was a very high figure, and the delegation could perhaps provide further information in that regard.

23. There was no reason to challenge the introduction of an official language, provided that it did not put those minorities with their own language at a disadvantage. However, it appeared that insufficient knowledge of the Kazakh language could impede access to political and employment opportunities and to social services. Further information on the representation of minorities in political life and in decision-making bodies would be useful. He asked the delegation to indicate what powers were enjoyed by the People's Assembly of Kazakhstan, in relation to the Majlis (Parliament) for example, and to what extent the Majlis itself reflected the diversity of the population in the State party.

24. **Mr. Amor** said that he did not doubt that the registration of religious organizations was an administrative, organizational measure that was rooted in freedom of religion and belief. However, administrative considerations should not impair freedom of belief or religion, nor should registration be used to restrict freedom of religion. It would appear that, in order to block certain religious trends, the registration of organizations was not direct and was subject to strict procedures. The Committee wished to hear from the delegation in that regard. Religion should not serve narrow political or partisan aims. It would appear, however, that in the State party, certain politicians and certain organizations were indeed using religion to serve political aims. Despite clear legal provisions in Kazakhstan on the separation of religion and politics, the actual situation on the ground was far less clear. He invited the delegation to comment on the issue, referring not to legislation but to the actual situation on the ground.

25. He wished to know to what extent religious extremism existed in Kazakhstan, whether any signs of fanaticism had been observed, and if so, what they were and what their impact had been. The State party had indicated in its report (para. 127, subpara. (f)) that extremist religious propaganda was prohibited. However, certain political parties based on religion were known to be fanatic, in both words and deeds. The delegation was aware, of course, of the existence of the international pan-Islamic organization Hizb ut-Tahrir (Movement for Islamic Liberation), which caused many problems. It would be helpful to have specific information in that regard from the delegation.

*The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.*

26. **Mr. Lepekha** (Kazakhstan) said that the legislation on criminal procedure, as amended in December 2009, guaranteed the right to be assisted by a lawyer and provided for free legal aid to be granted to victims who could not afford to pay for the services of a defence lawyer. When a person was remanded in custody or placed in detention, a police report was always drawn up, informing the person concerned — who signed the report — of his rights, including the right to a defence lawyer. The same procedure was followed for criminal offences involving State secrets; the only difference was that, in those cases, lawyers had to obtain authorization to assist their clients. However, that requirement in no way prevented lawyers from taking part in the criminal proceedings. The new police bill expressly provided for suspects to be informed of their rights, including the right to be assisted by a lawyer.

27. **Mr. Kustavletov** (Kazakhstan) said that the procedure for dealing with offences involving State secrets had not been challenged thus far; if it were to be challenged at a future date, the authorities would make it simpler.

28. **Mr. Baishev** (Kazakhstan) said that there were approximately 2,000 judges in Kazakhstan; that figure was low for a State that was six times as large as France, for example, and had nearly 16 million inhabitants. Judges had a very heavy workload, and the authorities were currently looking at ways to increase the number of judges, particularly those who were specialized.

29. In reply to a question about the corruption and nepotism that were reportedly rife in competitive examinations held to recruit judges, he said that the competitive examinations were announced in the mass media, which also published the names of all the candidates. The selection panel consisted of members of Parliament, members of associations of lawyers and legal experts, and judges of high integrity. All information about competitive examinations was published on the website of the Supreme Court. It could therefore be said that society generally exercised control over the procedure used to recruit judges. Any member of the selection panel who tried to circumvent the rules would have to explain the reasons why he had preferred one candidate over another. Kazakhstan had a Legal Service

Training College offering a two-year training course, whose graduates were given preference when it came to recruiting judges.

30. **Mr. Sarsembayev** (Kazakhstan), in reply to a question about the powers of the President of the Republic, said that since Kazakhstan was a presidential republic, the President had many powers, including the power to appoint judges. That being said, he did not stand above the three branches of government. Under article 40 of the Constitution, the President of the Republic was responsible for coordinating all the branches of government. He was elected during elections that were held at regular intervals and were open to all adults in Kazakhstan, and could be removed from office by Parliament in the event of high treason, under article 47 of the Constitution. It was clear, therefore, that the status and powers of the President of the Republic did not make Kazakhstan an autocratic regime.

31. **Mr. Seidapparov** (Kazakhstan) confirmed that making false allegations of corruption incurred criminal liability under Kazakh legislation. The relevant provisions were those of article 129 of the Criminal Code (intentional defamation), which were based on the principle of the inalienable right to human dignity. That right was not restricted, either under the Covenant or under the Constitution, unlike the right to disseminate information, the exercise of which could be restricted under certain conditions, notably when restrictions were required in order to protect the rights of others. In any event, the Kazakh authorities had announced their intention to decriminalize intentional defamation, and the issue of criminal liability for false allegations of corruption would certainly be reviewed in that connection, since using the media in cases of intentional defamation resulted in the particularly serious impairment of a person's right to dignity. In any case, the legislative provisions in force fully complied with the Covenant. The legislature had simply chosen one of the possible ways of regulating the matter, and the Committee could rest assured that the Kazakh authorities would do their best to improve the situation in practice, in the light of the observations made by Committee members.

32. The issue of the registration of the Alga party had already been examined several times by the relevant authorities, which always tried to apply the law equally to all political parties. Registration of parties was a compulsory procedure that was based on specific criteria, but some political forces chose to ignore it. That was the case of the Alga party, which had in the past submitted forged documents when applying for registration. In its most recent application, there were fewer forged items and a number of its regional branches had therefore been successfully registered. It should be borne in mind that the criteria for registration were the same for all parties, whether they were opposition parties or not. A party that had openly supported the candidacy of Nursultan Nazarbayev for President had in fact also been refused registration for the same reasons as Alga. The non-registration of the Alga party did not prevent its leaders from engaging in political activities, and one of them — Vladimir Kozlov — was active in four NGOs, as a member or leader, and regularly organized political activities. In practice, the legislation governing the activities of political parties was applied perfectly fairly to all parties without distinction. Kazakh legislation was in fact tending to strengthen the role of political parties even further.

33. According to official data, some 1,115 meetings had been held since 2008 in Kazakhstan, which had been attended by some 165,000 people in total. Half those meetings had not been granted prior authorization, in violation of the Code of Administrative Offences. In only 428 cases, however, had penalties been imposed on the organizers, in most cases in the form of a warning. A mere 0.26 per cent of all participants in unauthorized rallies had been prosecuted, and measures of deprivation of liberty had been applied in only 14 cases, for flagrant violations of the law. Only 28 meetings had been broken up on account of serious disturbance of public order. Penalties were therefore imposed only exceptionally, and strictly subject to a court order. That being said, the



provisions of the Covenant, which authorized restrictions to be placed on freedom of peaceful assembly under certain specific conditions, had been fully respected, and the figures quoted showed that the authorities' policy was not to impair the exercise of that freedom but, on the contrary, to authorize as many public meetings as possible. In cases where remote meeting venues had been assigned by local authorities, it was because those venues were more suitable for the event in question than the original venues proposed by the organizers. Local authorities did not make that a precondition, however, and if the organizers proposed other venues that met the criteria laid down in the legislation, the authorities could not refuse to allow the meeting to take place on the ground that it was not being held at the venue they had proposed. The reason why a large number of meetings had not been granted authorization was because legislation required applications for authorization to be filed 10 days before the scheduled date of the event. Often, organizers did not respect that deadline, or did not provide all the required information (such as the name of the person in charge or the expected number of participants). The established procedure which was based on considerations of public order, was laid down by law and was therefore not at all arbitrary.

34. With regard to whether the right to freedom of assembly was reserved for Kazakh citizens alone, he said that under article 12 of the Constitution foreigners and stateless persons had the same rights as nationals, save as otherwise prescribed by law. Since legislation on the exercise of the right to peaceful assembly did not specify any different conditions for foreigners, it applied to everyone in the same way. The Kazakh delegation did not know of any cases of foreigners being prosecuted solely for having taken part in a peaceful meeting.

35. **Mr. Orazov** said that the dissemination of information on the Internet was governed by the Act amending and supplementing certain legislation on information and communication network issues. The main aim of the legislative reform under way in that area was to prevent those networks from being used for criminal ends. In the bill that had been drawn up, the concept of "website" had been replaced by "Internet resource". Under the legislation still in force, a media outlet, including a website, could be suspended or shut down and prohibited from disseminating material, but only by court order. Penalties had been imposed on a number of websites under that legislation, but always subject to a reasonable evaluation of the need to protect the interests of the State. Under the legislation, a media outlet, including a website, could be ordered to be suspended or shut down on the following grounds: disseminating information relating to a State secret or other confidential data protected by law; spreading propaganda in favour of extremism or terrorism, or justifying extremism or terrorism; disseminating information disclosing the technical means and tactical organization of anti-terrorist operations under way; promoting narcotic drugs, psychotropic substances and drug precursors; promoting a cult of cruelty and violence; advocating social, racial, national or religious superiority, or superiority based on wealth or birth; broadcasting radio or television programmes or showing cinema or video productions that were of a pornographic nature or had specific sexual or erotic content; using a media outlet in violation of provisions governing election campaigns; and inciting participation in a strike, or a refusal to participate in a strike in violation of applicable laws and regulations governing the exercise of the right to peaceful assembly. Media outlets and Internet resources were prohibited from publishing or disseminating material that incited people to overthrow the constitutional order by force, or to violate the territorial integrity of Kazakhstan and compromise State security, advocated extremism or terrorism, or incited inter-ethnic or interfaith hostility. In practice, when an Internet resource was closed down by order of a judge, it was generally in cases of propaganda for extremism or terrorism, or the dissemination of child pornography. Some 33 Internet resources had been shut down in total, including 20 for extremist or terrorist propaganda. The applicable legislation in that area had in no way, however, restricted the use of the Internet, considering that the number

of domain names currently registered in Kazakhstan was higher than it had been before the law had been passed.

36. The Government had adopted a national plan of action for the application of international human rights standards, under which all information on the Covenant and the Second Optional Protocol thereto were systematically disseminated. The information was disseminated through the resources of the different ministries (websites, publications, etc.), but also in the context of round tables, in which representatives of Government and civil society took part. There was also a system in Kazakhstan, funded by the State budget, for disseminating information on subjects of general interest via the media or the Internet. The system was also used to disseminate information on the Covenant and other international human rights instruments that had been ratified.

37. **Mr. Seidgapparov** (Kazakhstan) said that, under the Constitution and the legislation on political parties, it was expressly prohibited for parties to be created on the basis of religion. The authorities had adopted specific legislation to combat extremism, according to which religious extremism was defined as incitement to hatred or to religious hostility, in particular through the use of violence or calls for violence. To date, the authorities had applied the law only against one organization, Hizb ut-Tahrir (Movement for Islamic Liberation), which was an international body that was included in the list of extremist organizations drawn up by the United Nations Security Council. In accordance with the legislation, and with the international instruments that had been ratified, when members of Hizb ut-Tahrir had begun to carry out activities in Kazakhstan, the organization had been prosecuted and subsequently banned.

38. While it was prohibited under the Constitution for law enforcement officials to set up trade unions, they were not deprived of protection. They were entitled to a number of social benefits, described in specific legislation, and had access to various remedies, including judicial remedies, for challenging arbitrary measures taken against them, such as suspension or unfair dismissal.

39. **Mr. Prokopenko** (Kazakhstan) said that maintaining the peace between the different ethnic communities in Kazakhstan, which was an essential condition for the country's economic and social development, was a priority for the Government. The Constitution, a number of articles of which contained provisions on the preservation of inter-ethnic harmony, showed the importance that was attached to the issue. In particular, article 39, paragraph 2, of the Constitution established that any act likely to compromise inter-ethnic harmony was a breach of the Constitution.

40. The People's Assembly had been established in 1995 to represent all ethnic groups in Kazakhstan and ensure their participation in the management of public affairs. Following the constitutional reform of 2007, the Assembly had been made a constitutional body and had been granted the right to elect nine deputies in the lower chamber of Parliament (Majlis). The Assembly's decisions were binding on all government bodies. The Assembly was headed by the President of the Republic, and its membership consisted of representatives of the country's various ethnic and cultural groups, and regional leaders and directors of all government bodies dealing with inter-ethnic relations. The secretariat of the Peoples' Assembly helped draft reports for United Nations treaty bodies, the Organization for Security and Cooperation in Europe (OSCE) and other organizations in respect of which Kazakhstan had obligations. Some 59 ethnic groups were represented in the Administration, and more than 400 posts of responsibility were held by persons of ethnic origin. In total, 24 of the 153 members of Parliament and 810 of the 3,333 elected representatives of the local representative bodies (*maslikhats*) were of ethnic origin.

41. The existence of an official language was a factor in national unity, and ensured the participation of all ethnic groups in society and political life. In addition, steps were taken

to preserve and promote the country's linguistic and cultural diversity. The President had recently issued a decree on the establishment of a programme to promote multilingualism, the aim being for all Kazakh nationals to master Kazakh, Russian and English and, ideally, an ethnic language as well. The Kazakh language was currently taught in 120 centres in Kazakhstan, and there were language schools in all regions of the country.

42. **Ms. Jarbussynova** (Kazakhstan) said that when Kazakhstan had become an independent State, Kazakh had been a moribund language that was almost extinct as a result of Russian having been imposed as the sole language under the Soviet system. Considerable efforts had been made to revive Kazakh and make it a national language. For historic reasons, Russian nevertheless remained an official language for administrative purposes.

43. Freedom of religion and belief, and freedom of association, were guaranteed by the Constitution. Nevertheless, the registration of religious associations was compulsory. It was compulsory not only for religious associations, but for all legal entities as well. The conditions that had to be met were very simple: an association needed to have its own statutes and at least 10 adult members. Under article 42 of the Civil Code, a legal entity could not be refused registration, provided that it had completed the relevant formalities required by law. A simplified registration procedure had been set up in 2005, whereby an association could register simply by indicating its name, membership and meeting venue. Some 600 religious associations had registered using that procedure. In the cases referred to by the Committee, registration had been refused for technical reasons, because the religious organizations concerned had not provided all the necessary documents. They were specific cases and in no way reflected a deliberate policy on the part of the Government to prevent the registration of religious associations. More than 360 Baptist organizations were active in Kazakhstan, 48 of which had refused to comply with the compulsory registration procedure but had not been banned. Penalties were imposed on their leaders, it was true, but they were minor in nature.

44. Under the legislation on compulsory military service, persons who were pursuing a religious career, or worked on a full-time basis for a registered religious association, could be exempted from compulsory military service for the duration of their religious commitments. In addition, Kazakhstan had adopted a programme for the professionalization of the armed forces, under which conscription would gradually be replaced by a system of contract-based recruitment. The issue of conscientious objection would therefore no longer arise. The statement made by the new director of the Agency for Religious Affairs that had been referred to by a Committee member was to be understood in the context of the region. Kazakhstan and neighbouring countries were seeing a rise in religious extremism, owing to radical groups that were using Islam as a cover. It was to that situation that the remarks quoted referred; the Minister of Justice had nevertheless acknowledged that it was against the law to make such remarks, and the person who had made them had been asked for an explanation. Freedom of religion remained guaranteed under the Constitution and national legislation; it was also guaranteed in practice, as could be seen from the statistics: since independence, the number of denominations represented in Kazakhstan had increased from 7 to 45, and the number of religious associations from 671 to more than 4,500. Infringement of the right to freedom of religion, as well as interference of the State in the activities of religious associations, constituted offences that were subject to both administrative and criminal penalties. In 2003, Kazakhstan had successfully held the first Congress of World Religions. Two further congresses had been held, the most recent of which in 2009, which had been attended by 75 delegations from around the world. With that event, Kazakhstan had affirmed its attachment to the promotion of tolerance and interreligious dialogue. The next congress would be held in May 2012.

45. **The Chairperson** thanked the delegation of Kazakhstan for its additional replies, and asked whether any Committee members had further questions.

46. **Mr. Fatallah** asked the delegation to indicate whether the drafting of new legislation on freedom of assembly announced under the National Plan of Action on Human Rights for 2009–2012 had or not been suspended. If so, he wished to know why.

47. **Mr. Abishev** (Kazakhstan) said that work on drafting the new legislation was continuing, and that a detailed study of practice and legislation in Europe was currently being carried out. Broad consultation had also taken place with a large number of NGOs. The bill was expected to be submitted to Parliament by the end of 2012.

48. **Ms. Azzimova** (Kazakhstan) said that, as part of the 2010 universal periodic review, Kazakhstan had undertaken to take the necessary measures to conclude that process, and would stand by its commitment. The bill on freedom of assembly was included in the programme of the action plan for the implementation of Kazakhstan's international obligations, on which the Minister of Justice was currently working, with the active cooperation of a large number of local and international NGOs and foreign experts. The plan would shortly be submitted to the Government for consideration and adoption.

49. **Mr. Kustavletov** (Kazakhstan) thanked the Committee for the openness and interest it had shown by its many questions. He hoped that the delegation's answers had given the Committee a better understanding of the real-life situation in Kazakhstan and the challenges the country was facing. Kazakhstan was still a democracy in the making and its consolidation would require the Committee's support and assistance.

50. **The Chairperson** said that the initial State party report and written replies, together with the detailed oral replies provided by the delegation, had led to a constructive dialogue, which would hopefully mark the start of a long and fruitful collaboration. Many important issues had been raised, to which the Committee hoped the Government of Kazakhstan would give all due attention. She recalled that the State party had one year in which to keep the Committee informed of the follow-up given to some of its recommendations. Those recommendations, and the date by which the State party should submit its subsequent report, would be indicated in the concluding observations in respect of the initial report by Kazakhstan, which the Committee would adopt before the end of the session.

*The meeting rose at 5.40 p.m.*